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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,510	10/17/2001	Ryan Robertson	035451-0143	6898

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EXAMINER
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FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,510

Applicant(s)

ROBERTSON ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/22/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al..

The claimed invention reads on Ludwig et al. as follows:

Regarding claim 17, Ludwig et al. discloses a user interface for a radio (cellular) enabled handheld computer (laptop) display screen (fig. 8b and col. 14 line 64 through col. 15 line 6), comprising: a first screen portion providing a first indicator representative of a first call of a conference call (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 56); a second screen portion providing a second indicator representative of a second call of a conference call (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 56); and a user selectable option that is configured to effectuate movement of at least one of the first indicator and the second indicator to the other of the first and second screen portion (i.e. hangup, hold, adjourn selection indicator (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 56)).

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Regarding claim 18, Ludwig et al. discloses the first screen portion is representative of active calls (fig. 8B and col. 24 lines 22-36).

Regarding claim 19, Ludwig et al. discloses the second screen portion is representative of held (hold) calls (fig. 8B and col. 24 lines 22-36).

Regarding claim 20, Ludwig et al. discloses the first portion may contain indicators representative of up to four calls (fig. 8B and col. 24 lines 22-36).

Regarding claim 21, Ludwig et al. discloses a user selectable option (i.e. the hangup,hold closeby and adjourn icon) configured to effectuate swapping of the first indicator from the first display screen portion to the second display screen portion (i.e. the hangup,hold closeby and adjourn icon is placed on the screen based upon the caller name) (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55) and the second indicator from the second display screen portion to the first display screen portion (i.e. the hangup,hold closeby and adjourn icon is placed on the screen based upon the caller name) (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55).

Regarding claim 22, Ludwig et al. discloses a user selectable option (i.e. the hangup,hold closeby and adjourn icon) that is configured to effectuate placing a call on hold (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55) and moving the first indicator from the first display screen portion to the second display screen portion (i.e. the hangup,hold closeby and adjourn icon is placed on the screen based upon the caller name) (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3,5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vainio et al. in view of Roustaei et al. and Ludwig et al..

Regarding claim 1, Vainio et al. discloses a portable electronic device (radio telephone) (col. 2 lines 58-65), comprising: a housing (inherent, with telephones taught in fig. 1 number 1 and col. 2 lines 58-65); a processor supported by the housing (col. 3 lines 1-8); a memory (fig. 1 number 12) coupled to the processor (fig. 1 numbers 12 and 11), a communications transceiver (fig. 1 number 8 and 9) coupled to the processor (fig. 1), the transceiver configured to support voice conference calling between more than two parties (col. 1 lines 7-11 and col. 3 lines 12-52); and a program stored in the memory and running on the processor col. 3 line 62 through col. 4 line 51), the program configured to provide a user interface on the display (col. 5 lines 27-39), the user interface configured to display indicators representative of the parties on the conference call (col. 5 lines 27-39), the user interface including a hold area of the display configured to display indicators representative of the parties on hold (col. 1 lines 36-38). Vainio et al. differs from claim 1 of the present invention in that it do not disclose the user interface including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured to display indicators representative of the parties active on the conference call. Roustaei et al. teaches a digital assistant (i.e. hand held computer) with cellular telephone capabilities for conference calling (paragraph 0016 and paragraph 0038 line 1 through paragraph 0039 line 10). Ludwig et al.. teaches a laptop computer which operates through a cellular link (col. 14 line 64 through col. 15 line 11) where the user interface (fig. 8b) including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured to display indicators representative of the parties active on the conference call

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(col. 24 lines 23-36, fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vainio et al. radio telephone with the user interface including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured to display indicators representative of the parties active on the conference call in order to remind the user of the telephone that there are active participants that are on hold and to bring them back into the conference when needed, as taught by Roustaei et al. and Ludwig et al..

Regarding claim 2, Vainio et al. discloses an icon (hold instruction) configured to place at least one indicator representative of a party active on the conference call from the active area on hold (col. 1 line 37-39).

Regarding claim 3, the combination of Vainio et al. and Roustaei et al. differs from claim 3 of the present invention in that they do not disclose least one indicator representative of a party active on the conference call from the active area is moved to the hold area. Ludwig et al. teaches least one indicator (fig. 8B Tom Griner, hold icon) representative of a party active on the conference call from the active area is moved to the hold area fig. 8B Tom Griner, hold icon). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Vainio et al. and Roustaei et al. with least one indicator representative of a party active on the conference call from the active area is moved to the hold area in order for the radio telephone to place the live participants on hold while it dial additional conference participants, as taught by Ludwig et al..

Regarding claim 5, Vainio et al. discloses the user interface is configured to provide a plurality of user selectable options when a call is selected (col. 3 line 55 through col. 4 line 6).

Regarding claim 6, Vainio et al. discloses a save to address book option (phone book) (col. 4 lines 1-24).

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Regarding claim 7, Vainio et al. discloses a private conversation (i.e. a conference group call with one of the participants for a selected group) option (col. 4 lines 5-26).

Regarding claim 8, Vainio et al. discloses a set redial reminder option (i.e. the participants names and numbers may be pulled up for conferencing) (col. 4 lines 1-23 and col. 5 lines 39-67).

Regarding claim 9, the combination of Vainio et al. and Roustaei et al. differs from claim 9 of the present invention in that they do not explicit disclose a disconnect call option. Ludwig et al. teaches a hangup option (fig. 8B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Vainio et al. and Roustaei et al. with a disconnect call option in order for the radio telephone to end a conference session with one of the participants, as taught by Ludwig et al..

Regarding claims 10 and 12, Vainio et al. discloses a method (fig.3) of managing a conference call on a handheld mobile telephone (radio telephone comprising a computer) device (col. 5 line 27 through col. 6 line 13), comprising: displaying to a user a screen including a new call option (col. 3 line 55 through col. 4 line 26); initiating a first call at the request of a user (col. 3 line 55 through col. 4 line 26); placing the first call on hold at the request of a user (col. 4 lines 55-58) and placing an indicator representative of the first call in a hold section of the display (col. 1 lines 37-39); displaying to a user an available section of the display including a new call option (telephone 17) (col. 5 line 27 through col. 6 line 13); initiating a second call at the request of a user by selecting the new call option (col. 5 line 27 through col. 6 line 13). Vainio et al. differs from claim 10 of the present invention in that it does not disclose placing an indicator representative of the second call in an active section of the display. Roustaei et al. teaches a digital assistant (i.e. hand held computer) with cellular telephone capabilities for conference calling (paragraph 0016 and paragraph 0038 line 1 through paragraph 0039 line 10). Ludwig et al. teaches a laptop computer which operates through a cellular link (col. 14 line 64 through col. 15 line 11) where the user interface (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55) including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured

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to display indicators representative of the parities active on the conference call (col. 24 lines 23-36 and fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vainio et al. radio telephone with placing an indicator representative of the second call in an active section of the display in order for the radio telephone to bring the second participant into the conference with the hold party, as taught by Ludwig et al. and Roustaei et al..

Regarding claim 11, Vainio et al. discloses providing to a user a selectable option configured to swap the first call in the hold section with the second call in the active section (col. 5 line 27 through col. 6 line 13).

Regarding claim 13, Vainio et al. discloses placing the calls in the active section on hold by selecting a hold option (col. 1 lines 37-39).

Regarding claim 14, Vainio et al. discloses selecting a new call option (col. 5 line 27 through col. 6 line 13).

Regarding claim 15, Vainio et al. discloses placing a new call (col. 5 line 27 through col. 6 line 13).

Regarding claim 16, the combination of Vainio et al. and Roustaei et al. differs from claim 16 of the present invention in that they do not disclose selecting a conference option that effectuates the addition of the held calls to the new call. Ludwig et al. discloses a resume option that effectuates the addition of the held calls to the new call (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Vainio et al. and Roustaei et al. with selecting a conference option that effectuates the addition of the held calls to the new call in order for the radio telephone to bring the held participants that are on hold back into the conference session, as taught by Ludwig et al..



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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vainio et al. in view of Roustaei et al. and Ludwig et al. and as applied to claim 1 above and in further view of Pelletier.

Regarding claim 4, the combination of Vainio et al., Ludwig et al. and Roustaei et al. differs from claim 4 of the present invention in that they do not disclose a call timer associated with the call indicators. Pelletier teaches a telephone set which may be alternatively used in a wireless telephone (figures 6 and 7) which displays a call timer associated with the call indicators (names and numbers) (paragraph 003, paragraph 0025 and paragraph 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Vainio et al., Ludwig et al. and Roustaei et al. with a call timer associated with the call indicators in order for the radio telephone to determine how long a participant has been placed on hold, and the time of the conference, as taught by Pelletier.

### ***Response to Arguments***

1. Applicant's arguments filed September 12, 2004 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

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1. Argument: Regarding claim 17, Applicant alleges that Ludwig et al. do not disclose a handheld computer, and a laptop computer cannot be carried in a pocket.

Explanation: Examiner respectfully disagrees because a laptop computer can be carried/held by a users hands and claim 17, does not recite the handheld computer to be carried in ones pocket. One of ordinary skill in the computer/mobile art, knows that a laptop computer is a handheld computer so that it could be lightweight and transportable by a user. Also, the preamble of the claim is not given weight when examining the claim as a whole.

2. Argument: Applicant alleges that Ludwig et al. does not disclose a user selectable option that is configured to effectuate movement of at least one of the first indicator and the second indicator to the first and second screen portions


Explanation: Examiner respectfully disagrees because Ludwig et al. teaches a screen that have multiple areas (portions) depending on the participant in a call conference (fig. 8b). Each participant could be placed on hold by selecting the hold indicator (fig. 8 b), and a resume indicator for resuming communication with the participants (fig. 8b). The Keys (i.e. handup,hold mute etc) at the bottom of (fig. 8b) are used with each participant selected (fig. 8B and col. 24 lines 22-36, fig. 35 and col. 36 line 14 through col. 38 line 55).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson   
Art Unit 2683  
February 22, 2005